

REMARKS

By this amendment, claim 1 is amended. The amendment makes explicit: "a human EVH1 binding domain" as recited in claim 2. Support can be found in the specification as filed, for example, in claims 11, 32, 42 and 46, and in the description at paragraph 12. No issue of new matter arises.

Rejection under 35 USC §103(a)

Claims 1, 3-5, 8, 9, 12, 13, 16-20, 49 and 50 were rejected under 35 USC §103 as allegedly being obvious over Gertler in view of Reinhard and Evangelista. The rejection was based in part on the Examiner's observation at part 4, pages 5 and 6. The recited method steps are alleged to "remain the same as those described in Gertler's methods. Applicants respectfully traverse this rejection.

Gertler relates to microfilament dynamics, and related diseases, "for example, pathogenic infection, traumatic neural injury and cancer." See, e.g., page 5, lines 24 and 25 and page 10, lines 11 and 12. Nowhere in Gertler or other applied references is the step e) of claims 1 and 3:

e) identifying the chemical compound thereby indicated as a compound for possible use in a medicament for treating a disorder selected from the group consisting of a cardiovascular disorder, an inflammatory disorder, and a disorder of blood vessels

This is a step in the development process for developing, testing, making and marketing an effective treatment for one or more of the identified disorders. Such teachings or suggestions are not apparent in any applied reference.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

The final requirement is clearly not met.

Furthermore, Applicants respectfully submit that there would have been no reasonable expectation of success that practicing such teachings as found in the applied references would successfully identify a chemical compound for possible use in a medicament for treating a cardiovascular disorder, an inflammatory disorder or a disorder of blood vessels. Accordingly, since at least two criteria necessary to establish a *prima facie* case of obviousness are absent, reconsideration and withdrawal of this rejection is deemed proper.

The claims recite (either directly or through dependency) features not disclosed, taught or suggested in the applied references. Accordingly the claims are deemed patentable over the applied art. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims Objected to

Claims 14 and 15 were objected to because they were allegedly depending from a rejected claim. Applicants respectfully submit that the objection is clearly improper, as the rejection is properly withdrawn upon reconsideration. Reconsideration and withdrawal of this objection are respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all pending rejections. Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to

charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

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